

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-16, 18 and 25-33 are pending. Claims 1 and 16 are amended.

The Office Action rejects Claims 4-7, 16, 18 and 29-33 under 35 U.S.C. § 112, second paragraph. Claim 16 is amended to obviate this rejection.

Claims 1-3, 8, 9 and 13-15 are rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2004/0003825 to Kelly in view of U.S.P. 4,491,389 to Coburn, Jr. and U.S.P. 6,412,640 to Destanque et al., Claim 10 under 35 U.S.C. § 103(a) over Kelly in view of Coburn and Destanque and further in view of WO 97/15910 to Guiard, U.S.P. 7,025,220 to Verespej et al. and U.S.P. 4,469,226 to Matney, Claims 11 and 12 under 35 U.S.C. § 103(a) over Kelly in view of Coburn and Destanque and further in view of U.S.P. 4,890,872 to Parrotta et al., Claims 7, 16, 18 and 33 under 35 U.S.C. § 103(a) over Kelly in view of Guiard and Parrotta, Claims 4-6 and 29 under 35 U.S.C. § 103(a) over Kelly in view of Guiard and Parrotta and further in view of Coburn and Claims 30-32 under 35 U.S.C. § 103(a) over Kelly in view of Guiard, Parrotta and Coburn and further in view of Verespej and Matney. These rejections are respectfully traversed.

With respect to the rejection of independent Claim 1, the Office Action recognizes that Kelly does not disclose a sticker forming a mirror. Applicants respectfully disagree with the Office Action's assertion that Coburn cures the deficiencies of Kelly. In particular, the Office Action asserts that Coburn states in column 1, lines 21-35 that forming a mirror on a sticker reduces cost and increases safety. However, Coburn does not disclose forming a mirror on a sticker at the cited portion, nor to the best of applicants knowledge, at any other portion. Instead, Coburn discloses a mirror having a molded plastic support surface. Coburn is directed to overcoming distortion problems by placing a cushion intermediate a mirror's

reflecting surface and support surface. A mirror 12 disclosed in Coburn has a foam layer 26 and a plastic layer 14. Thus, the mirror of Coburn is not suitable to articulate a support and a lid as in Claim 1.

With respect to independent Claim 16, the Office Action recognizes that Kelly does not disclose at least one cavity having a first and second opening.

Neither Kelly nor Guiard disclose a cavity containing a make-up product having a first side adjacent a first opening and a second side adjacent a second opening. Instead, Kelly discloses a product 12 located in cavity 14a. In Kelly, the product 12 is held in a cosmetic pan 12a. See Figure 3 and paragraph [0027]. Thus, the product 12 is not adjacent a first and second opening. In Guiard, product 20 is held in tray 18 which is placed in recess 16. See Abstract and Figure 2. Thus, material 20 is not adjacent a first opening and a second opening, as in Claim 16.

Neither Kelly nor Guiard disclose a support and a lid articulated to each other by an arrangement comprising an adhesive sheet fixed onto one face of a lid and onto one face of a support wherein the adhesive sheet closes off the second opening of the cavity with a portion of the adhesive sheet which covers the second opening directly facing the second surface of the product contained in the cavity. Instead, Kelly discloses a cloth material 20 which is positioned on the base 14 and lid 16 to cover the exposed surfaces of the cosmetic case 10. The cloth material 20 is secured to the base and the lid 16 through adhesive bonding. See Kelly at paragraph [0018]. The base 14, lid 16 and first hinge 24 are constructed of a material, such as cardboard. Thus, the hinges of Kelly are formed by a cardboard material which is covered with a cloth that is fixed through adhesive bonding. No portion of the cloth or cardboard material closes off a cavity containing the cosmetic material 12. See e.g., Figure 3.

Guiard merely discloses a means 22 for attaching tray 18 to the holder. The means 22 does not cover the second opening directly facing the second side of the product contained in the cavity. Nor does the means 22 provide an articulation of the lid to the support. The May 16, 2005 Office Action asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kelly to include the cavity of Guiard for the purpose of providing the capability to insert and remove a tray of cosmetic products from the cavity. However, this ignores the disclosure of Kelly at paragraph 27 which includes pan 12a. The Office Action further asserts that Guiard further discloses providing an adhesive sheet directly over the second opening of the cavity. This assertion is respectfully traversed. As discussed above, means 22 covers the tray 18 and not the material 20.

The Office Action asserts that Parrotta teaches that it is known to apply an adhesive sheet without the use of additional retaining structure. However, Parrotta discloses a barrier layer 34 which provides an impervious surface for the material enclosed within the item. Parrotta also does not teach an adhesive sheet which provides an articulation between a lid and a support.

Applicants note that this application claims priority of both of provisional applications 60/428,709 and 60/428,705 which were filed on November 25, 2002. Verespej has a filing date of January 6, 2003 which is after the filing date of the provisional applications.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the telephone number listed below.


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